



1634
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PATENT
ATTORNEY DOCKET NO.: 047763-5018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Matthias R. DORSCH, *et al.*

Appln. No.: 10/018,211

Filed: April 26, 2002

FOR: DETECTION OF GIARDIA

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) Group Art Unit: 1634
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) Examiner: J. Goldberg
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Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated January 14, 2003. Since June 14, 2003, fell on a Saturday, the next business day rule applies.
2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, ___ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

06/18/2003 AWONDAF1 00000008 500310 10018211

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Small Entity Fee</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	410.00	205.00
<input type="checkbox"/> three months	930.00	465.00
<input checked="" type="checkbox"/> four months	1,450.00	725.00
<input type="checkbox"/> five months	1,970.00	985.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$1,450.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	18	minus	20	0	x \$18.00 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$84 each=	\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$280.00	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for <u>4</u> Month Extension of Time						\$ 1,450.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 1,450.00

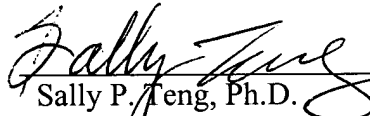
6. Fee Payment

- ☒ The Director is hereby authorized to charge **\$1,450.00** to Deposit Account No. 50-0310 for Four Month Extension of Time Fee.
- ☒ The Director is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: June 16, 2003
Morgan Lewis & Bockius LLP
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Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This paper responds to the Office Action (Paper No. 10) dated January 14, 2003, time for response to which expired February 14, 2003. A petition for four months extension of time is submitted concurrently, extending the period for response to June 14, 2003. Since June 14, 2003, fell on a Saturday, the next business day rule applies. Thus, this response is timely filed.

In response to the restriction requirement in the Office Action, Applicants respectfully elect, without traverse, Group II, claims 10-17, method for detecting the presence of viable cells.

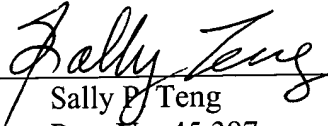
If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an

extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: June 16, 2003

By: 
Sally P. Teng
Reg. No. 45,397

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